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10/036,631	12/21/2001	Joseph Arthur Reed	PU010317	5827

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EXAMINER

MACCHIAROLO, PETER J

ART UNIT

PAPER NUMBER

2875

DATE MAILED: 08/07/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/036,631

Applicant(s)

REED ET AL.

Examiner

Peter J Macchiarolo

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 30 May 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3 and 5-20 is/are pending in the application.
- 4a) Of the above claim(s) 4 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3 and 5-20 is/are rejected.
- 7) ☒ Claim(s) 5,8,9,13 and 17 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

1. The reply filed on May 30, 2003 consists of changes to the specification, drawings, and to the claims, and further, the reply consists of remarks related to the prior rejection of claims in the First Office Action. The above have been entered and considered. However, claims 1-20 are not allowable as explained below.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 5, 8-9, 13, and 17 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

4. The terms "opposite" in claims 5, 8-9, 13, and 17 are relative terms which render the claims indefinite. The term "opposite" is not defined by the claims, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention. The Examiner is interpreting the limitations "opposite side of the tension mask" to indicate a side of the tension mask furthest from the apertures, and "opposite side of the border" to indicate a side of the border furthest from the apertures.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1, 2, 10 are rejected under 35 U.S.C. 102(b) as being anticipated by Adler et al. (USPN 4,827,179; "Adler").

6. In regards to claims 1, 2, and 10, Adler discloses in figures 2, 3a, and 16, a CRT tension mask (56) attached to a support frame (34) which has long sides parallel to a major axis and short sides parallel to a minor axis. Adler further discloses in figure 3a, the tension mask includes a vibration damper (108) comprising an elongated strip member (108) which can extend along a border of the tension mask parallel to the short sides of the frame, the elongated strip member having a first and second end mounted adjacent to the long sides along the border of the tension mask, such that a major portion of its surface is in frictional contact with the border between the ends to receive vibration from the tension mask¹. Further, Adler discloses the tension mask which is a vibration damper (108) is made from braided material, which will inherently have raised portions formed between the first and second ends.

¹ Adler, column 5, lines 35-39, and column 9 lines 33-37.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 3, 11-12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Adler et al. (USPN 4,827,179; "Adler").

8. In regards to claim 3 and 11-12, Adler discloses all of the recited limitations of claims 1 and 10 (above). Adler further discloses in figures 2, 3a, and 16, the first and second ends are positioned near a respective support blade member (12) of the support frame (34), the blade member being near the long sides parallel therewith. Adler further shows that the vibration damper may extend to near the short sides of the tension mask, and this configuration prevents a deterioration of picture quality caused by external vibrations².

9. Adler is silent to the exact attachment locations for the vibration damper.

10. However, Adler teaches that the energy absorber is secured along the peripheral portion of the tension mask³. Further, it is well known in the art that it is preferable to attach the vibration dampening means near one support blade member and remote from a support blade member, and this configuration allows for proper attachment.

11. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to construct the tension mask vibration damper of Adler, including

² Adler, column 2 lines 23-27.

³ Adler, column 9 lines 33-37.

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attachment locations positioned near a respective support blade member and attachment locations positioned remote from at least one respective support blade member, since it is well known in the art that this configuration allows for proper attachment.

12. Claims 18-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Adler et al. (USPN 4,827,179; "Adler").

13. In regards to claims 18-20, Adler discloses in figures 2, 3a, and 16, a CRT tension mask (56) attached to a support frame (34) which has long sides parallel to a major axis and short sides parallel to a minor axis. Adler further discloses in figure 3a, the tension mask includes a vibration damper (108) comprising an elongated strip member (108) extending along a border of the tension mask parallel to the short sides, the elongated strip member having a first and second end attached adjacent to the long sides along the border of the tension mask⁴, a major portion of the elongated strip member is in frictional contact with the border of the tension mask between the ends to ends to receive vibration from the tension mask. Further, Adler discloses the tension mask which is a vibration damper (108) is made from braided material⁵, which will inherently have raised portions formed between the first and second ends.

14. Adler is silent to the exact attachment position of the vibration damper, or that the vibration damper is attached along a screen facing side of the tension mask.

15. However, it would be a matter of design choice to arrange an elongated strip member attachment site directly to the support blade members on the long sides, on a screen facing side

⁴ Adler, column 9 lines 33-37.

⁵ Adler, column 5, lines 35-39, and column 9 lines 33-37.

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of the tension mask, since it has been held that rearranging parts of an invention involves only routine skill in the art. *In re Japikse*, 86 USPQ 70. Furthermore, it can be seen in figures 2-5 and 16 that Alder's vibration damper can be attached directly to the support blade members on the long sides, on a screen facing side of the tension mask, and still function properly.

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to construct the tension mask vibration damper of Adler, including attachment locations positioned directly on the support blade members, since it has been held that rearranging parts of an invention involves only routine skill in the art.

16. Claims 5-9, and 13-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Adler et al. (USPN 4,827,179; "Adler") in view of Suzuki et al. (USPN 6,469,431; "Suzuki").

17. In regards to claims 5, 8-9, 13, and 16-17, Adler discloses all of the recited limitations of claims 1 and 10 (above).

18. Adler is silent to an opening in the border.

19. However, Suzuki teaches in figure 10b, that a hole (14) may be formed in the border for the vibration attenuator to be inserted through and attached to a support plate (11a) on an opposite side of the tension mask. Suzuki further teaches that a bent portion (13) extends through the opening and along an opposite side of the border, and this configuration allows the vibration attenuator to operate efficiently⁶.

20. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to construct the tension mask vibration damper of Adler, including the

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hole configuration of Suzuki, since Suzuki teaches this configuration allows the vibration attenuator to operate efficiently.

21. In regards to claims 6-7 and 14-15, Adler and Suzuki teach all of the recited limitations of claims 5 and 13 (above).

22. Both Adler and Suzuki are silent to an exact attachment method.

23. However, it is obvious to use an adhesive or pins to attach the vibration damper to the support plate, since these are two suitable methods for attaching the likes of the vibration damper to the support plate, and this configuration will allow for proper operation.

24. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to construct the vibration mask vibration damper of Adler with the opening of Suzuki and attaching the vibration damper with adhesives or pins, since it is well known in the art that this configuration will allow for proper operation.

Response to Arguments

25. Applicant's arguments filed May 30, 2003 have been fully considered but they are not persuasive.

26. First, in regards to claims 1, Applicant argues that Adler's "energy absorber 108 is secured along the *long sides* of the color selection electrode," and does not disclose forming the energy absorber 108 "to extend to proximate the corners or ends of the color selection electrode 56," (page 12, lines 4-13 of Remarks).

⁶ Suzuki, column 11 lines 3-10.

27. However, Adler discloses in figures 3, 3a, and column 5, lines 29-39, the energy absorber 108 may be secured adjacent to the supporting rails along either the *long sides or short sides* of the color selection electrode.

28. Further, claim 1 does not recite the subject matter which Applicant has argued, i.e. that the energy absorber "extends to *proximate*" the corners or ends of the color selection electrode. In actuality, amended claim 1 recites, "the elongated strip member having first and second ends mounted *adjacent* to the long sides along the border of the tension mask," which Adler clearly discloses in figures 3a and 16.

29. For the curious, if indeed claim 1 did recite that the energy absorber extends to proximate the corners or ends of the color selection electrode, it would have been obvious to one skilled in the art to extend Adler's energy absorber 108 to proximate the corners or ends of the color selection electrode, since this configuration would further reduce vibration and increase electron landing deviation.

30. Secondly, in regards to claim 10, Applicant argues that Adler's "Adler does not teach a vibration damper comprising an elongated member having a raised portion formed into the elongated member between first and second ends such that the vibration damper is capable of expanding during thermal cycling to maintain its structural integrity," (page 13, lines 9-11 of Remarks).

31. However, claim 10 does not recite the subject matter which Applicant has argued. In actuality, amended claim 10 recites, "the elongated strip member having a raised portion formed between the first and second ends" which Adler clearly discloses in figures 6-16. Claim 10 is written so broadly that all of Adler's vibration dampers anticipate Applicant's limitations. The

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Examiner notes that Adler discloses in column 9 lines 33-37, the tension mask, which is a vibration damper (108) can be of braided material. A vibration damper which is formed from braided material will inherently have raised portions of material between the first and second ends.

32. Applicant argues that claims 2, 3, 11, and 12 depend on claims 1 or 10, and as previously discussed, Adler does not teach all of the claim limitations of amended claims 1 or 10 (page 12, lines 17-20; and page 13, line 16 to page 14 line 21 of Remarks).

33. However, Adler does *disclose* the claim limitations of claims 1, 2, and 10 (above), and *teaches* the claim limitations of 3, 11, and 12 (above).

34. Applicant argues that claims 5-9, and 13-17 depend on claims 1 or 10, and as previously discussed, Adler does not teach all of the claim limitations of amended claims 1 or 10. (page 16, lines 1-7; page 16, lines 19-24 of Remarks).

35. However, Adler does *disclose* the claim limitations of claims 1, 2, and 10 (above), and Adler in view of Suzuki *teaches* the claim limitations of 5-9, and 13-17 (above).

Conclusion

36. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

37. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after

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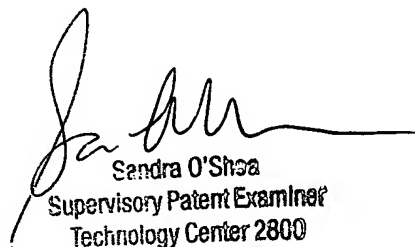
the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

38. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Peter J Macchiarolo whose telephone number is (703) 305-7198. The examiner can normally be reached on 7.30 - 4.30, M-F.

39. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on (703) 305-4939. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9318 for regular communications and (703) 872-9319 for After Final communications.

40. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

pjm
July 17, 2003



Sandra O'Shea
Supervisory Patent Examiner
Technology Center 2800